

FILED

JAN 25 2013

N.J. BOARD OF NURSING

JEFFREY S. CHIESA
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the Board of Nursing

By: Barbara J.K. Lopez
Deputy Attorney General
(973) 648-7454

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION :	Administrative Action
OR REVOCATION OF THE LICENSE OF :	
:	
DIANNE L. HEITZMAN, LPN :	ORDER OF SUSPENSION
License # 26NP02876400 :	OF LICENSE
:	
TO PRACTICE NURSING IN :	
THE STATE OF NEW JERSEY :	
:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information indicating the following:

1. Dianne L. Heitzman ("Respondent") is a Licensed Practical Nurse (LPN) in the State of New Jersey and has been a licensee at all relevant times. (Exhibit A).
2. Respondent consented to and signed a Consent Order with the Board on or about August 28, 2012. (Exhibit B). The

Consent Order was based upon Respondent's drug use and required Respondent to enroll in and participate with the Recovery and Monitoring Program ("RAMP") of the Institute of Nursing to undergo a comprehensive mental health and substance abuse evaluation. (Exhibit B).

4. By letter dated September 28, 2012, RAMP advised the Board that Respondent failed to enroll in RAMP and that Respondent indicated that she is unwilling to participate with RAMP. (Exhibit C).

5. On or about December 14, 2012, a communication was sent to Respondent at her address of record by overnight and regular mail, advising Respondent that the Board had received information indicating that she was not in compliance with the Consent Order and that she had failed to enroll in RAMP. Respondent was further advised to provide the Board with proof of any inaccuracy in that information within two weeks. (Exhibit D). Respondent made no reply.

6. The Consent Order signed by Respondent provided for automatic suspension of Respondent's nursing license upon receipt of reliable information indicating that Respondent had violated any term of the Order. The Order states that Respondent may, upon notice to the Board, request a hearing to

contest her automatic suspension; however, at any such hearing, the sole issue shall be whether any of the information received regarding Respondent was materially false. The Board also reserved the right to bring further disciplinary action.
(Exhibit B).

7. Respondent's failure to enroll in or participate with RAMP violates the Consent Order and constitutes a violation of N.J.A.C. 13:45C-1.4, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e), and automatic suspension of her license as provided in the Consent Order.

ACCORDINGLY, IT IS on this 25th day of Jan, 2013,
HEREBY ORDERED that:

1. Respondent's license to practice nursing in the State of New Jersey is hereby suspended for her violation of the terms of the Consent Order, which is a violation of a Board Order within the intendment of N.J.A.C. 13:45C-1.4 and N.J.S.A. 45:1-21(e).

2. Respondent may, under the terms of the Consent Order, request a hearing, upon notice, on the sole issue of whether information received that Respondent has failed to comply with the terms of the Order was materially false.

3. In the event that Respondent seeks reinstatement of her

New Jersey nursing license at any future time, the Board shall not entertain any application for reinstatement without a demonstration by Respondent that she has enrolled in RAMP, participates with RAMP, and is in full compliance with the terms and conditions of the Order and with any agreement with RAMP, in addition to a demonstration that she is fit and competent to practice.

NEW JERSEY STATE BOARD OF NURSING

By:



Patricia Murphy, PhD, APN
Board President

Exhibit

A

Dianne L Heitzman

Date of birth: [REDACTED]

Date of death:

License No.: **26NP02876400**

Profession: Nursing

License type: Licensed Practical Nurse

License status: **Active**

Last renewal date: 05/24/2012

Probation: Y

Date this status: 10/03/2006

Expiration date: 05/31/2014

Issue date: 11/01/1980

Address of Record

31 Laurie Road

Landing, NJ 07850

Discipline Against License # 26NP02876400 in Profession Nursing

No.	Final Disposition	Charge Date	Effective Date
1	Consent Order		
	Remarks		
	Actions	Start	End
	Monitoring	08/28/2012	

Education

School name: Moris County Vocational School of Nursing

Degree/Certificate: Certificate of Completion

Date Graduated: 09/08/1980

Major: Licensed Practical Nurse

Prerequisite License(s)

None

Exhibit B

JEFFREY S. CHIESA
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, 5TH Floor
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the State Board of Nursing

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AUG 28 2012

N.J. BOARD OF NURSING

By: Barbara J.K. Lopez
Deputy Attorney General
Tel. (973) 648-7454

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF.	:	Administrative Action
	:	
DIANNE L. HEITZMAN, LPN	:	
License No. 26NP02876400	:	CONSENT ORDER
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	
	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information that Dianne L. Heitzman, LPN ("Respondent") was arrested in November 2011 and charged with violating N.J.S.A. 2C:20-3(a) (Theft of Moveable Property - a prescription pad) and eight counts of violating N.J.S.A. 2C:35-13 (Obtaining Controlled Dangerous Substance (CDS) by Fraud). Respondent was terminated from her employment as a nurse with Sparta Medical Associates around the same time. Respondent admits that from approximately September 2010 through

November 2011, she took blank prescriptions from her employer, wrote them out for oxycodone for herself, signed her employer's name, and filled the prescriptions for her own personal consumption.

The Board having determined that Respondent is presently engaged in drug use that is likely to impair her ability to practice nursing with reasonable skill and safety within the intendment of N.J.S.A. 45:1-21(1), and that the within Order is sufficiently protective of the public health, safety and welfare, in lieu of further proceedings, and for other good cause shown;

IT IS on this 28TH day of August, 2012
HEREBY ORDERED AND AGREED that:

1. Respondent shall agree to undergo a comprehensive mental health and substance abuse evaluation to be conducted by a qualified mental health evaluator as recommended by the Recovery and Monitoring Program of New Jersey (RAMP) within 30 days of enrollment in RAMP, unless RAMP authorizes a later date. The evaluator shall prepare a report which shall include an evaluation of Respondent's mental health condition and substance use history, and whether Respondent is able to safely and competently practice nursing, and said report shall include

recommendations for further treatment and monitoring, if applicable, including the need for random urine screens or limitations of practice.

2. Respondent shall follow the recommendations by RAMP and/or the evaluator for further treatment and/or more lengthy enrollment in RAMP. Respondent shall limit her nursing practice, if recommended by RAMP, which may include Respondent placing her license in inactive status.

3. Respondent shall enroll in and comply with all of the terms and conditions of participation in the RAMP program for a minimum of 90 days. Respondent shall submit a copy of her initial application and contract with RAMP within 30 days of the effective date of this Order. Respondent shall cause RAMP to inform the Board in writing if Respondent is non-compliant with, or is terminated from or resigns from further participation in the program together with the reason for and complete documentation of the non-compliance, termination and/or resignation. Notification of the Board shall be within 24 hours of determination of non-compliance, termination or resignation, or as soon thereafter as is practicable. Respondent shall provide RAMP with a complete copy of the within Order.

4. Respondent shall provide a release to RAMP allowing

RAMP to provide pertinent reports, records and other information pertaining to Respondent to the Board. Respondent's signature on this order signifies Respondent's waiver of any right to confidentiality with respect to these matters between Respondent, RAMP, and the Board, and Respondent's agreement that the Board may utilize any such reports, records and other information it receives from RAMP in any proceeding regarding Respondent's licensure and that the Board may release any pertinent information in its possession to RAMP.

5. Respondent shall refrain from the use of any and all potentially addictive substances except as prescribed by an authorized health care practitioner who is made aware of Respondent's substance abuse history, if there is such a history. Respondent shall report any such use to RAMP in writing within five days of receiving such a prescription together with the name of the prescribing health care practitioner, the name of the drug, the quantity, frequency, expected length of use and reason for its use.

6. Respondent shall attend regular 12 step support group meetings or the equivalent, and nurse peer support group meetings, as required by RAMP. She shall attend individual counseling and psychiatric treatment until successful discharge,

if required by RAMP.

7. Respondent shall submit to random observed urine testing if and as required by RAMP. Respondent's failure to submit to or provide a urine sample when requested shall be deemed to be a violation of the terms of this Order. All random alcohol and drug screens shall be negative for the presence of alcohol or drugs, unless the drugs detected by screening were properly taken pursuant to a valid prescription from a health care practitioner aware of Respondent's substance abuse history, if applicable.

8. Respondent shall be responsible for all costs of the comprehensive mental health and substance abuse evaluation, urine screens, the enrollment/participation fees associated with RAMP and/or further treatment and monitoring, if applicable.

9. Respondent shall obey all of the laws of the State of New Jersey, the United States and their political subdivisions as well as all regulations, rules or laws pertaining to the practice of nursing in the State or jurisdiction in which she practices nursing. Respondent shall report to the Board within ten (10) days any arrest, indictment or conviction for any crime or disorderly persons offense.

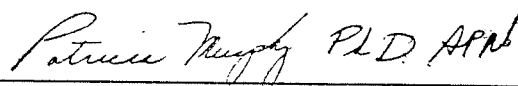
10. Respondent shall remain in RAMP until successful

completion of or release from the program. Until Respondent has successfully completed RAMP or been released from the program, Respondent may not modify the conditions of this agreement without submitting a written petition to the Board providing a detailed explanation of the basis for the modification request, and then entering into a new, modified agreement with the Board.

11. Any deviation from the terms of this Order without the prior written consent of the Board shall constitute a failure to comply with the terms of this Order. Upon receipt of any reliable information indicating that Respondent has violated any term of this Order, Respondent's license may be automatically suspended by the Board. Respondent, upon notice, may request a hearing to contest the entry of such an order. At any such hearing the sole issue shall be whether any of the information received regarding Respondent was materially false. In addition, the Board reserves the right to bring further disciplinary action.

NEW JERSEY STATE BOARD OF NURSING

By:



Patricia Murphy, PhD, APN
Board President

I have read and understand
the within Consent Order
and agree to be bound by
its terms.

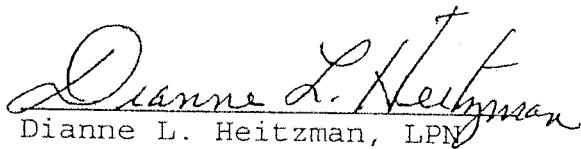

Dianne L. Heitzman, LPN

Exhibit C

September 28, 2012

Patricia A. Barnett, RN, JD
Chief Executive Officer
Jamie Smith, MSN, RN, MSN
Interim RAMP Director

Mr. George Hebert, RN, MA
Executive Director
New Jersey Board of Nursing
124 Halsey Street 6th Floor
Newark, NJ 07102

RE: Dianne Heitzman RAMP# 3171
LPN License # 26NP02876400

Dear Mr. Hebert,

This letter is to notify you that Diane Heitzman RAMP participant #3171 has been non-compliant with her consent order from NJ Board of Nursing. Ms. Heitzman has failed to return RAMP enrollment paperwork or to enroll in RAMP monitoring.

RAMP contacted Ms. Heitzman regarding enrollment, she advised that she is unwilling to participate in the program at this time.

At this time RAMP cannot assure the BON or the public that she is safe to practice. Please feel free to contact me with any questions or need clarification. Please feel free to contact me with any questions.

Sincerely,



Jamie Smith MSN, RN, CCRN
Interim RAMP Director

Cc: Deborah Zuccarelli RN, NJ BON
Nicole Peteet-Davis

JEFFREY S. CHIESA
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, 5th Floor
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Newark, New Jersey 07101
By: Barbara J.K. Lopez
Deputy Attorney General
(973) 648-7454

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
DIANNE L. HEITZMAN, LPN	:	CERTIFICATION OF
License # 26NP02876400	:	JAMIE SMITH
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	
	:	

I, Jamie Smith, MSN, RN, CCRN, of full age, certify as follows:

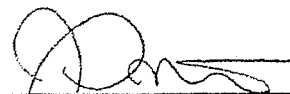
1. I am a registered nurse in the State of New Jersey.
2. I am employed as the Interim Director of the Recovery and Monitoring Program (RAMP), with offices at the Institute of Nursing, 1479 Pennington Road, Trenton, New Jersey 08618. In the course of my employment, I perform the task of informing the Board of Nursing when a RAMP participant is non-compliant and may not be safe to practice. In the course of my employment, I am a custodian of RAMP's records kept in the ordinary course of business.

I searched RAMP's records pertaining to Dianne L. Heitzman, LPN and I make this certification based upon the results of my search.

3. RAMP's records indicate that Ms. Heitzman is not enrolled in RAMP and does not participate with RAMP. Ms. Heitzman failed to fill out and return an enrollment agreement and other paperwork that had been mailed to her by RAMP on or about December 14, 2011 and again on August 14, 2012. Ms. Heitzman failed to enroll in the online monitoring system which requires daily check-ins and randomly schedules urine screens.

4. RAMP's records indicate that on or about September 7, 2012, RAMP personnel contacted Ms. Heitzman via telephone and that Ms. Heitzman advised that she was unwilling to participate with RAMP.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.



Jamie Smith, MSN, RN, CCRN
Interim RAMP Director

Date: 1/15/13.

Exhibit D



CHRIS CHRISTIE
Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
PO Box 45029
Newark, NJ 07101

JEFFREY S. CHIESA
Attorney General

KIM GUADAGNO
Lt. Governor

CHRISTOPHER S. PORRINO
Director

December 14, 2012

via regular and overnight mail

Dianne L. Heitzman
31 Laurie Road
Landing, New Jersey 07850

Re: Noncompliance with Consent Order

Dear Ms. Heitzman:

The New Jersey State Board of Nursing received credible information indicating that you are not in compliance with the Consent Order you signed on or around August 28, 2012. The Consent Order required, in part, that you enroll in and participate the Recovery And Monitoring Program (RAMP) of New Jersey. According to RAMP, you failed to enroll in the monitoring program, failed to return enrollment paperwork, and indicated that you were unwilling to participate with RAMP.

The Order provides for automatic suspension of your New Jersey nursing license for noncompliance with the Consent Order. If the information the Board received is not accurate, please forward proofs that you are in compliance with the Consent Order to my attention within two weeks. Your failure to demonstrate that you are in compliance with the Consent Order may result in the filing of a public Order of Suspension of your nursing license in New Jersey.

You may, of course, consult with an attorney if you so desire. If you have any questions, feel free to call me.



December 14, 2012

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Sincerely yours,

JEFFREY S. CHIESA
ATTORNEY GENERAL OF NEW JERSEY

By: Barbara J.K. Lopez
Barbara J.K. Lopez
Deputy Attorney General

UPS: Tracking Information

Page 1



Proof of Delivery

Close Window

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number: 1ZF0461E2210402145

Service: UPS NEXT DAY AIR

Delivered On: 12/17/2012 8:55 A.M.

Delivered To: LANDING, NJ, US

Left At: Front Door

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 01/08/2013 10:46 A.M. ET

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Close Window